

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Surveyors and engineers.

Sponsored by: Representative(s) Jorgensen

A BILL

for

1 AN ACT relating to professions and occupations; amending
2 provisions relating to licensure of engineers and land
3 surveyors; providing for administration and regulation of
4 engineers and land surveyors as specified; providing for
5 electronic filings; modifying name of licensing board;
6 providing fees; providing disciplinary proceedings;
7 imposing penalties; making conforming amendments; and
8 providing for an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 33-29-150 through 33-29-173 are
13 created to read:

14

1 **33-29-150. Definitions.**

2

3 (a) As used in this act:

4

5 (i) "Board" means the Wyoming board for
6 professional engineers and professional land surveyors;

7

8 (ii) "Engineer" means a person who has acquired
9 special knowledge and use of the mathematical, physical and
10 engineering sciences and the principles and methods of
11 engineering analysis and design, via engineering education
12 and engineering experience;

13

14 (iii) "Engineer intern" means a person who has
15 been duly certified as an engineer intern by the board as
16 provided in this act;

17

18 (iv) "Firm" means any form of business entity
19 other than an individual licensee operating under his name
20 that offers professional engineering or land surveying
21 services to the public;

22

1 (v) "Inactive licensee" means a licensee who is
2 not actively engaged in professional engineering or land
3 surveying practice in this state and who has been granted
4 inactive status by the board. No inactive licensee may
5 practice in this state unless otherwise exempted by this
6 act. An inactive licensee shall be exempt from the
7 continuing education requirements of this act;

8
9 (vi) "Land surveyor" means a person who has
10 acquired special knowledge in the technique of measuring
11 land through the use of the mathematical, physical and
12 applied sciences, and the requirements of the law relevant
13 to surveying of real property, via surveying education and
14 surveying experience;

15
16 (vii) "Surveyor intern" means a person who has
17 been duly certified as a surveyor intern by the board as
18 provided in this act;

19
20 (viii) "Licensee" means any person issued a
21 certificate of licensure as a professional engineer or
22 professional land surveyor or certified or enrolled as an

1 engineer intern or surveyor intern, or a firm issued a
2 certificate of authorization under this act;

3
4 (ix) "Practice of engineering" means any service
5 or creative work, which requires engineering education,
6 training and experience and the application of special
7 knowledge of the mathematical, physical and engineering
8 sciences to adequately perform those services or creative
9 work. It shall include consultation, investigation, expert
10 technical testimony, evaluation, planning, design and
11 design coordination of engineering works and systems;
12 teaching of advanced engineering subjects; performing
13 engineering surveys and studies; and the review or
14 management of construction for the purpose of monitoring or
15 ensuring compliance with drawings and specifications when
16 those services require the application of engineering
17 principles. It shall embrace such services or work in
18 connection with utilities, structures, buildings, machines,
19 equipment, processes, work systems, projects, communication
20 systems, transportation systems and industrial or consumer
21 products; or equipment of control systems, communications,
22 mechanical, electrical, hydraulic, pneumatic, petroleum,
23 nuclear, mining, chemical, environmental or equipment of a

1 thermal nature, insofar as they involve safeguarding life,
2 health or property, and include such other professional
3 services as may be necessary for the planning, progress and
4 completion of any engineering services. Design coordination
5 includes the review and coordination of those technical
6 submissions prepared by others, including as appropriate
7 and without limitation, consulting engineers, architects,
8 landscape architects, land surveyors, geologists and other
9 professionals working under the direction of the engineer.
10 Engineering surveys include all survey activities required
11 to support the sound conception, planning, design,
12 construction, maintenance and operation of engineered
13 projects, but exclude the surveying of real property for
14 the establishment of land boundaries, rights-of-way,
15 easements and the dependent or independent surveys or
16 resurveys of the public land survey system. A person shall
17 be deemed to be practicing or offering to practice
18 engineering if he practices any branch of the profession of
19 engineering, or by verbal claim, sign, advertisement,
20 letterhead, card or any other manner represents himself to
21 be a professional engineer, or through the use of some
22 other title implies that he is a professional engineer or
23 that he is licensed under this act, or holds himself out as

1 able to perform or does perform any engineering service or
2 work or any other service designated by the practitioner
3 which is recognized as engineering;
4

5 (x) "Practice of land surveying" means to
6 provide or offer to provide professional land surveying
7 services using the sciences of mathematics, geodesy and
8 photogrammetry. Professional land surveying services shall
9 include consultation, investigation, design coordination,
10 testimony evaluation, expert technical testimony, teaching
11 of advanced surveying topics, planning, mapping, assembling
12 and interpreting gathered measurements and information
13 related to any one (1) or more of the following:
14

15 (A) Determining by measurement the
16 configuration or contour of the earth's surface or the
17 position of fixed objects thereon;
18

19 (B) Determining by geodetic surveys the
20 size and shape of the earth or the position of any point on
21 the earth;
22

1 (C) Locating, relocating, establishing,
2 reestablishing or retracing property lines or boundaries of
3 any tract of land, road, right-of-way or easement;
4

5 (D) Making any survey for the division,
6 subdivision or consolidation of any tract of land;
7

8 (E) Locating or laying out control for
9 alignments, positions or elevations for the construction of
10 fixed works;
11

12 (F) Determining, by the use of principles
13 of surveying, the position for any survey monument,
14 boundary or nonboundary, or reference point, or
15 establishing or replacing any such monument or reference
16 point; or
17

18 (G) Creating, preparing or modifying
19 electronic, computerized or other data relative to the
20 performance of the activities in the described activities
21 in this paragraph.
22

1 (xi) "Professional engineer" means a person who,
2 by reason of special knowledge of the mathematical and
3 physical sciences and the principles and methods of
4 engineering analysis and design, acquired by professional
5 education and practical experience, is qualified to
6 practice engineering and who has been duly licensed as a
7 professional engineer by the board. The board may
8 designate a professional engineer as being licensed in a
9 specific discipline or branch of engineering signifying the
10 area in which the engineer has demonstrated competence on
11 the basis of education, experience and examination;

12

13 (xii) "Professional land surveyor" means a
14 person who has been duly licensed as a professional land
15 surveyor by the board, and who is a professional specialist
16 in the technique of measuring land, educated in the basic
17 principles of mathematics and the related physical and
18 applied sciences, and the relevant requirements of law for
19 adequate evidence required to survey real property, and who
20 is engaged in the practice of surveying as defined by this
21 act. The board may designate a professional land surveyor
22 on the basis of education, experience and examination;

23

1 (xiii) "Responsible charge" means direct charge
2 and control and personal supervision of engineering work or
3 land surveying. Only a professional engineer or
4 professional land surveyor may legally assume responsible
5 charge under this act;

6

7 (xiv) "Seal" means a symbol, image or list of
8 information adopted in accordance with board rules and
9 regulations;

10

11 (xv) "This act" means W.S. 33-29-150 through
12 33-29-173.

13

14 **33-29-151. Creation of board.**

15

16 (a) The Wyoming board for professional engineers and
17 professional land surveyors is created to consist of eight
18 (8) members appointed by the governor for a term of four
19 (4) years plus the state engineer who shall serve during
20 his term in office. The board shall be comprised as
21 follows:

22

23 (i) The state engineer;

1

2 (ii) One (1) professional engineer in the
3 education field at the university level;

4

5 (iii) One (1) professional engineer in a
6 discipline other than civil engineering;

7

8 (iv) Two (2) professional engineers who are
9 engaged in private practice;

10

11 (v) One (1) public member, neither an engineer
12 nor a land surveyor; and

13

14 (vi) Three (3) professional land surveyors
15 including two (2) engaged in private practice. One (1) of
16 the three may hold dual licensure in engineering and land
17 surveying.

18

19 (b) The governor may remove a member of the board as
20 provided in W.S. 9-1-202. Appointment to fill a vacancy
21 caused other than by expiration of term shall be for the
22 unexpired portion of the term.

23

1 **33-29-152. Qualifications of board members.**

2

3 (a) Each member of the board shall be a citizen of
4 the United States and a resident of this state.

5

6 (b) Each engineer member of the board shall have been
7 engaged in the lawful practice of engineering as a
8 professional engineer for not less than twelve (12) years,
9 have been in responsible charge of engineering services for
10 not less than five (5) years, and shall be a licensed
11 professional engineer in this state.

12

13 (c) Each land surveyor member shall have been engaged
14 in the lawful practice of land surveying as a professional
15 land surveyor for not less than twelve (12) years and shall
16 have been in responsible charge of land surveying services
17 for not less than five (5) years and shall be a licensed
18 professional land surveyor in this state.

19

20 **33-29-153. Compensation of board members.**

21

22 Each member of the board except the state engineer shall
23 receive as salary the sum paid each day to legislators for

1 the time consumed in the performance of his duties. Each
2 member shall receive per diem and mileage allowance as
3 allowed to state employees. Compensation and expenses shall
4 be paid only from the fees collected by the board.

5

6 **33-29-154. Organization of board.**

7

8 (a) The board shall biennially elect from its
9 membership a chair, vice-chair and secretary-treasurer to
10 serve for not more than two (2) terms. The board shall
11 hold at least four (4) regular meetings each year and such
12 special or called meetings as the rules provide.

13

14 (b) Five (5) members shall constitute a quorum. No
15 decision shall be made unless it receives the affirmative
16 votes of at least five (5) members of the board.

17

18 **33-29-155. Powers and duties of board.**

19

20 (a) Responsibility for enforcement of this act is
21 vested in the board. The board shall have all duties,
22 powers and authority specifically granted by and necessary
23 to the enforcement of this act.

1

2 (b) The board shall make, adopt, amend, repeal and
3 enforce reasonable rules and regulations necessary for the
4 proper administration and enforcement of this act, the
5 board's meetings, procedures, records, examinations and the
6 conduct thereof. The board shall also adopt rules and
7 regulations for professional conduct. Rules adopted by the
8 board shall be binding upon any person licensed under this
9 act and any nonlicensed person found by the board to be in
10 violation of the provisions of this act. The rules shall
11 be applicable to any business entity holding a certificate
12 of authorization. The board shall adopt an official seal
13 which shall be affixed to each license issued by the board.

14

15 (c) In carrying out the provisions of this act, the
16 board may subpoena witnesses and compel their attendance,
17 and also may require the submission of books, papers,
18 documents or other pertinent data, in any disciplinary
19 matter, or in any case where a violation of this act is
20 alleged. Upon failure or refusal to comply with any lawful
21 order of the board, or upon failure to honor its subpoena
22 as herein provided, the board may apply to any Wyoming

1 court to enforce compliance with the provisions of this
2 subsection.

3

4 (d) The board may apply for relief by injunction in
5 the established manner provided in civil cases, without
6 bond, to enforce the provisions of this act or to restrain
7 any violation thereof. In those proceedings, it shall not
8 be necessary to allege or prove either that an adequate
9 remedy at law does not exist or that substantial or
10 irreparable damage would result from the continued
11 violation thereof. The members of the board shall not be
12 personally liable for instituting these proceedings.

13

14 (e) The board may require applicants for licensure to
15 pass such examinations as it deems necessary to determine
16 the applicant's qualifications.

17

18 (f) The board shall have the power and authority to
19 require a demonstration of continuing professional
20 competency of engineers and land surveyors as a condition
21 of renewal or re-licensure.

22

1 (g) No action or other legal proceedings for damages
2 shall be instituted against the board or against any board
3 member or employee or agent of the board for any act done
4 in good faith and in the intended performance of any power
5 granted under this act or for any neglect or default in the
6 performance or exercise in good faith of any duty or power.

7

8 (h) In carrying out the duties, functions and
9 obligations of this act, the board may contract with any
10 agency or private vendor as the board considers
11 appropriate. The board may also enter into contracts to
12 acquire, own, encumber, issue, replace, deal in and dispose
13 of real and personal property.

14

15 (j) The board shall have the power to appoint
16 committees as it deems necessary to assist the board in
17 carrying out its responsibilities under this act. Any
18 individual appointed by the board to serve on a committee
19 or otherwise carry out the functions of this act is
20 entitled to reimbursement of expenses as approved by the
21 board.

22

1 (k) The board shall have the power to employ a board
2 administrator and staff to properly perform its work and to
3 assist in carrying out the responsibilities of this act.
4 Any individual employed by the board shall receive a salary
5 and salary adjustments as the board shall determine.

6
7 (m) The board shall have the power to establish and
8 collect fees as provided by W.S. 33-1-201. The board
9 administrator shall receive and account for all monies
10 received under this act. All monies received, and the
11 interest thereon, shall be deposited in the state treasury
12 and credited to the professional engineer and professional
13 land surveyor account. Expenditures from the account shall
14 be made only upon requisition submitted by the board
15 administrator or secretary-treasurer. All monies in the
16 account are specifically designated for the use of the
17 board to cover expenses reasonably necessary for the proper
18 performance of its duties under this act, including the
19 expenses of board delegates to meetings of, and membership
20 fees to, any national organization. The board may pay
21 miscellaneous expenses associated with board members
22 seeking and holding appropriate regional or national
23 offices.

1

2 (n) The board shall be authorized to use electronic
3 transmissions for all purposes permitted under this act.

4

5 **33-29-156. Petition for injunction.**

6

7 (a) The district court may issue an injunction upon a
8 petition filed as provided in this section to enjoin the
9 practice of engineering or land surveying by any person not
10 licensed to practice those occupations who is not exempt
11 under this act from licensure requirements.

12

13 (b) The district court of any county in which the
14 offending party may be found or the district Court of
15 Laramie County shall have original jurisdiction of any
16 injunction proceedings.

17

18 (c) In a petition for injunction pursuant to
19 subsection (a) of this section, it shall be sufficient to
20 charge that the respondent on a day certain in a named
21 county engaged in the practice of engineering or land
22 surveying without a license and without being exempt under

1 this act from licensure requirements. No showing of actual
2 damage or injury shall be required.

3

4 (d) The petition shall be filed in the name of the
5 state by the board or at the request of the board by the
6 attorney general or any district attorney in Laramie County
7 or any other county where the respondent may be found.

8

9 (e) Issuance of an injunction shall not relieve
10 respondent from being subject to any other proceeding under
11 this act. Any violation of an injunction shall be punished
12 as contempt of court.

13

14 **33-29-157. Annual report of board; filing copies of**
15 **lists of licensees.**

16

17 On or before October 30 of each year the board shall report
18 to the governor, which shall include the operation and
19 statistics relative to the board's statutory duties. A
20 complete roster showing the names and last known address of
21 all licensed professional engineers and licensed
22 professional land surveyors shall be established by the

1 board administrator once each year in a format approved by
2 the board.

3

4 **33-29-158. Immunity from personal liability.**

5

6 (a) A member, agent or employee of the board and any
7 person reporting information to the board under oath shall
8 be immune from personal liability with respect to any act
9 done and any action taken in good faith without fraud or
10 malice.

11

12 (b) The immunity provided by this section shall
13 extend to any member of any professional review committee,
14 investigator or witness appearing before the committee or
15 board.

16

17 **33-29-159. License required for the practice of**
18 **engineering or land surveying.**

19

20 The practice of engineering and land surveying is a
21 privilege which shall be granted by the board pursuant to
22 this act based on the qualifications of the person or
23 business entity. In order to safeguard life, health and

1 property and to promote the public welfare, any person or
2 business entity in either public or private capacity
3 desiring to practice or offer to practice professional
4 engineering or professional land surveying in Wyoming shall
5 be required to submit evidence to the board showing that
6 the applicant is qualified to practice and if qualified
7 shall be licensed as provided by this act and board rules
8 and regulations.

9

10 **33-29-160. Qualifications for intern licensure.**

11

12 (a) An applicant for enrollment as an engineer intern
13 shall be of good moral character and repute. A college
14 senior or graduate of an engineering program of four (4)
15 years or more approved by the board shall be admitted to an
16 eight (8) hour written examination in the fundamentals of
17 engineering. Upon passing the examination and providing
18 proof of graduation from the engineering program, the
19 applicant shall be certified or enrolled as an engineer
20 intern if otherwise qualified.

21

1 (b) An applicant for enrollment as a surveyor intern
2 shall be of good moral character and repute. One (1) of
3 the following shall apply:

4
5 (i) A college senior or graduate of a surveying
6 program of four (4) years or more approved by the board
7 shall be admitted to an eight (8) hour written examination
8 in the fundamentals of surveying. Upon passing the
9 examination and providing proof of graduation, the
10 applicant shall be certified or enrolled as a surveyor
11 intern if otherwise qualified;

12
13 (ii) A graduate of a nonsurveying engineering
14 program of four (4) years or more approved by the board,
15 who has at least two years of progressive experience in
16 surveying, and at least thirty (30) semester credit hours
17 in surveying, mapping, and other courses, approved by the
18 board, shall be admitted to an eight (8) hour written
19 examination in the fundamentals of surveying. Upon passing
20 the examination, the applicant shall be certified or
21 enrolled as a surveyor intern, if otherwise qualified;

22

1 (iii) A graduate of a four (4) year or more
2 program not directly related to surveying or engineering,
3 approved by the board, who has at least 4 years of
4 progressive experience in surveying and at least thirty
5 (30) semester credit hours in surveying, mapping and other
6 courses, approved by the board, shall be admitted to an
7 eight (8) hour written examination in the fundamentals of
8 surveying. Upon passing the examination, the applicant
9 shall be certified or enrolled as a surveyor intern, if
10 otherwise qualified;

11

12 (iv) A graduate with an associate degree in a
13 surveying technology curriculum approved by the board who
14 has four (4) years of combined office and field experience
15 in land surveying, of which two (2) years shall have been
16 in charge of land surveying projects under the supervision
17 of a licensed land surveyor shall be admitted to an eight
18 (8) hour written examination in the fundamentals of
19 surveying. Upon passing the examination, the applicant
20 shall be certified or enrolled as a surveyor intern, if
21 otherwise qualified. This paragraph is repealed effective
22 June 30, 2016.

23

1 **33-29-161. Qualifications for professional licensure**
2 **by examination.**

3

4 (a) The following shall apply to an applicant for
5 professional licensure as an engineer:

6

7 (i) The applicant shall be of good moral
8 character and repute;

9

10 (ii) The applicant shall meet all the
11 qualifications for an engineer intern as defined in W.S.
12 33-29-160;

13

14 (iii) An engineer intern or an individual with a
15 doctorate in engineering acceptable to the board and with a
16 specific record of four (4) years or more, earned after the
17 four (4) year degree described in W.S. 33-29-160(a), of
18 progressive experience on engineering projects of a grade
19 and a character which indicates to the board that the
20 applicant may be competent to practice engineering shall be
21 admitted to an eight (8) hour written examination in the
22 principles and practice of engineering. Upon passing the
23 examination, the applicant shall be granted a certificate

1 of licensure to practice engineering in this state,
2 provided the applicant is otherwise qualified;

3

4 (iv) The board may exempt an applicant from the
5 fundamentals of engineering examination if he is a graduate
6 of a school and curriculum approved by the board and has
7 been actively engaged in experience in the profession for
8 which licensure is sought for at least twenty (20) years
9 following graduation.

10

11 (b) The following shall apply to an applicant for
12 professional licensure as a land surveyor:

13

14 (i) The applicant shall be of good moral
15 character and repute;

16

17 (ii) The applicant shall meet all the
18 qualifications for a surveyor intern as defined in W.S.
19 33-29-160;

20

21 (iii) A surveyor intern or an individual with a
22 doctorate in surveying acceptable to the board who has a
23 specific record of four (4) years or more, earned after the

1 degree described in W.S. 33-29-160(b)(i), (ii) or (iii), of
2 combined office and field experience satisfactory to the
3 board in land surveying under the supervision of a
4 professional land surveyor shall be admitted to an eight
5 (8) hour written examination in the principles and practice
6 of surveying. Upon passing the examination, the applicant
7 shall be granted a certificate of licensure to practice
8 surveying in this state, provided the applicant is
9 otherwise qualified.

10

11 (c) Notwithstanding the requirements in this section,
12 the board may adopt rules for the licensure of graduates of
13 foreign universities.

14

15 **33-29-162. Application for licensure.**

16

17 (a) Application for licensure as a professional
18 engineer or professional land surveyor or licensure as an
19 engineer intern or surveyor intern shall be on a form and
20 in a manner prescribed and furnished by the board; shall
21 contain statements made under oath, showing the applicant's
22 education and a detailed summary of technical and
23 engineering experience or land surveying experience; and

1 shall include the names and complete mailing addresses of
2 the applicant's references.

3
4 (b) The board may accept the verified information
5 contained in a valid council record issued by the National
6 Council of Examiners for Engineering and Surveying for
7 applicants which contains all information that is required
8 by the board.

9
10 **33-29-163. Fees.**

11
12 (a) The licensure fees shall be established by rules
13 and regulations of the board for licensure as a
14 professional engineer, professional land surveyor, engineer
15 intern or surveyor intern in accordance with the provisions
16 of W.S. 33-1-201, and the appropriate fee shall accompany
17 the application.

18
19 (b) The licensure fee for a business entity shall be
20 established by rule and regulation of the board and shall
21 accompany the application.

1 (c) The reasonable cost of rendering administrative
2 services and other miscellaneous services may be recovered
3 by the board.

4

5 (d) All fees submitted to the board shall be
6 nonrefundable.

7

8 **33-29-164. Seals and licenses.**

9

10 (a) The board shall adopt and prescribe seals for use
11 by a licensee who holds a valid license under this act.
12 Each seal shall bear the name of the licensee, shall state
13 the profession in which he is permitted to practice and, in
14 the case of engineering, the branch or branches of
15 engineering in which he has demonstrated proficiency and
16 other data the board deems pertinent.

17

18 (b) Nonelectronic plans, specifications, plats or
19 reports prepared by a licensee or his bona fide employee
20 shall be issued under his seal, with the signature of the
21 licensee and the date signed superimposed over the seal.

22

1 (c) It shall be unlawful for a licensee whose license
2 has expired or has been revoked or suspended to use the
3 seal, or for a licensee to sign, stamp or seal any document
4 not prepared by him or by an employee under his direct
5 supervision.

6

7 (d) It shall be unlawful for any person not licensed
8 under this act to cause or permit the illegal use of a
9 licensee's seal, signature or stamp on any document.

10

11 (e) The board shall issue to any applicant who, in
12 the opinion of the board, has met the requirements of this
13 act, a certificate of licensure giving the licensee proper
14 authority to practice his profession in this state. The
15 license for a professional engineer shall carry the
16 designation "Professional Engineer" and for a professional
17 land surveyor, "Professional Land Surveyor". It shall
18 contain the full name of the licensee with certificate of
19 licensure number and shall be signed by the chair and the
20 board administrator under the seal of the board.

21

22 (f) The license shall be prima facie evidence that
23 the person named thereon is entitled to all rights,

1 privileges and responsibilities of a professional engineer
2 or professional land surveyor while the certificate of
3 licensure remains unrestricted.

4
5 (g) The board shall issue to any applicant who, in
6 the opinion of the board, has met the requirements of this
7 act, an enrollment card as engineer intern or surveyor
8 intern which indicates that their name has been recorded as
9 such in the board office. The engineer intern or surveyor
10 intern enrollment card shall not authorize the holder to
11 practice as a professional engineer or a professional land
12 surveyor.

13
14 (h) Each licensee under this act shall, upon
15 licensure, obtain a seal, the use and design of which shall
16 be prescribed by board rules and regulations. It shall be
17 unlawful for a licensee to affix or to permit his seal and
18 signature to be affixed to any document after the
19 expiration or revocation of a license or for the purpose of
20 aiding or abetting any other person to evade or attempt to
21 evade any provision of this act. Whenever the seal is
22 applied, the document shall be signed by the licensee
23 thereby certifying that he is competent in the subject

1 matter and was in responsible charge of the work product.
2 Documents shall be sealed and signed in accordance with
3 board rules.

4

5 **33-29-165. Licensure by comity.**

6

7 (a) A person who is licensed to engage in the
8 practice of engineering or land surveying issued by the
9 proper authority of a jurisdiction or possession of the
10 United States, the District of Columbia or any foreign
11 country who meets requirements that do not conflict with
12 the provisions of this act, and which are, in the judgment
13 of the board, not lower than the requirements in effect in
14 this state at the time the out-of-state license was issued
15 may be licensed without further examination except as
16 required to present evidence of knowledge of statutes,
17 rules and design requirements unique to this state.

18

19 (b) A person holding an active council record with
20 the National Council of Examiners for Engineering and
21 Surveying whose qualifications are evidenced by council
22 record and meet the requirements of this act may, upon
23 application, be licensed without further examination except

1 as required to examine the applicant's knowledge of
2 statutes, rules and design requirements unique to this
3 state.

4

5 **33-29-166. Renewal of licenses; relicensure;**
6 **reinstatement of license.**

7

8 (a) The board may establish a staggered system for
9 renewing certificates of licensure on a biennial basis.

10

11 (b) A certificate of licensure shall be renewed by
12 the board upon payment of the renewal fee and satisfactory
13 evidence of compliance with continuing professional
14 competency as established by rules and regulations of the
15 board. Any license issued by the board shall expire if the
16 licensee fails to renew the license prior to the date of
17 expiration. Failure to renew the license by the expiration
18 date shall result in the forfeiture of the right to
19 practice engineering or land surveying in this state.

20

21 (c) A licensee who has allowed his license to lapse
22 for failure to renew as herein provided may apply for
23 relicensure according to board rules and regulations.

1

2 (d) Any licensee who holds an active license to
3 practice in this state, and who wishes to discontinue the
4 practice of professional engineering or professional land
5 surveying in this state, may request in writing that the
6 board place his license on inactive status. A license on
7 inactive status shall not be considered lapsed or expired.
8 A reduced biennial renewal fee shall be required to retain
9 the inactive status. A licensee on inactive status may
10 apply for reinstatement pursuant to board rules and
11 regulations.

12

13 (e) The board shall establish the biennial renewal
14 fees pursuant to W.S. 33-1-201.

15

16 **33-29-167. Disciplinary authority; grounds; fines;**
17 **due process of law; settlement; reinstatement.**

18

19 (a) The board may refuse to issue, renew or
20 reinstate, or may suspend or revoke the certificate of
21 licensure of any professional engineer or professional land
22 surveyor, the certification or enrollment of any engineer
23 intern or surveyor intern, or certificate of authorization

1 of any firm, or may place on probation, fine or reprimand
2 any licensee who:

3

4 (i) Has engaged in any act inconsistent with
5 uniform and reasonable standards of professional conduct as
6 defined by board rules and regulations;

7

8 (ii) Has practiced fraud or misrepresentation:

9

10 (A) In obtaining or attempting to obtain
11 either an initial or renewal certificate of licensure or
12 certificate of authorization;

13

14 (B) In submitting any information or record
15 to the board; or

16

17 (C) In signing any document as a licensed
18 professional engineer or land surveyor.

19

20 (iii) Is unfit to practice by reason of
21 incompetence, negligence or other misconduct in the
22 practice of his profession;

23

1 (iv) Has aided or abetted another to evade or
2 violate this act or knowingly combined or conspired with an
3 unlicensed person, or allowed one's license to be used by
4 an unlicensed person or acted as agent, partner, associate
5 or otherwise for an unlicensed person with intent to evade
6 or violate this act;

7
8 (v) Has had a license to practice engineering or
9 land surveying in another jurisdiction, territory or
10 possession of the United States denied, revoked, suspended,
11 restricted, placed on probation or otherwise disciplined,
12 including fines, other than by reason of failure to renew
13 or meet education requirements;

14
15 (vi) Is convicted of, or enters a plea of guilty
16 or nolo contendere to, any felony, or is convicted of, or
17 enters a plea of guilty or nolo contendere to, any
18 misdemeanor in which dishonesty is an essential element, or
19 which is directly related to the practice of engineering or
20 land surveying;

21
22 (vii) Has engaged in an act which the licensee
23 knew was beyond the scope of his professional practice as

1 evidenced by limitations on the licensee's right to
2 practice, or insufficient education and knowledge, or
3 inability to apply engineering or land surveying principles
4 and skills;

5

6 (viii) Has violated this act, the Corner
7 Perpetuation and Filing Act under W.S. 33-29-140 through
8 33-29-149 or any provision of the rules or regulations of
9 the board or any lawful order of the board;

10

11 (ix) Has failed to cooperate in any board
12 investigation or request for information by the board;

13

14 (x) Has made a false statement or signed a false
15 statement, certification, or affidavit to induce payment;

16

17 (xi) Violates any term of probation imposed by
18 the board;

19

20 (xii) Uses a seal or practices engineering or
21 land surveying while the professional engineer's or land
22 surveyor's license is suspended, revoked, expired or
23 inactive;

1

2 (xiii) Signs, affixes or permits the licensee's
3 seal or signature to be affixed to any specification,
4 report, drawing, plan, plat, design information,
5 construction document or calculation, survey, or revision
6 thereof which has not been prepared by the licensee or
7 under the licensee's responsibility or direct personal
8 supervision;

9

10 (xiv) Engages in dishonorable, unethical or
11 unprofessional conduct as defined by the board's rules and
12 regulations;

13

14 (xv) Fails to meet the continuing professional
15 competency requirements prior to the license or certificate
16 expiration date;

17

18 (xvi) Fails to provide proof of continuing
19 professional competency upon request by the board.

20

21 (b) In addition to, or in lieu of, any other penalty
22 provided in this section, any licensee who violates a
23 provision of this act or any rule or regulation pertaining

1 thereto, the board may impose a civil penalty in an amount
2 not to exceed two thousand five hundred dollars (\$2,500.00)
3 per offense, plus investigation and hearing costs. In
4 determining the amount of civil penalty to be assessed, the
5 board may consider the following factors:

6
7 (i) Whether the amount imposed will be a
8 substantial economic deterrent to the violation;

9
10 (ii) The circumstances leading to the violation;

11
12 (iii) The severity of the violation; and

13
14 (iv) The risk of, or actual harm to the public.

15
16 (c) Upon reasonable grounds to believe that a person
17 under the board's authority has committed acts in violation
18 of this act, the board may conduct investigations, hearings
19 and proceedings to determine whether a disciplinary action
20 should be taken against the holder of a license under this
21 act. No licensee may be disciplined by the board without
22 affording the licensee due process of law. The board may
23 promulgate rules for the practice and procedure concerning

1 investigations and disciplinary action against licensees in
2 accordance with this act and the Wyoming Administrative
3 Procedure Act.

4
5 (d) Disciplinary action may be informally settled by
6 the board and the holder of a certificate under this act
7 who is the subject of the action either before or after
8 initiation of hearing proceedings in accordance with the
9 provisions of W.S. 16-3-107(n).

10
11 (e) Any person whose license has been denied,
12 suspended or revoked pursuant to this act may apply for
13 reinstatement to the board after fulfilling those
14 requirements determined by the board. The application
15 shall be made in writing and in the form prescribed by the
16 board. The board may grant or deny the application or it
17 may modify its original findings to reflect any
18 circumstances that have changed sufficiently to warrant
19 modifications.

20
21 (f) As a result of disciplinary action, the board may
22 in addition to the other powers and duties, issue, renew or

1 reinstate a license subject to reasonable conditions which
2 the board may impose.

3
4 (g) A final decision of the board is subject to
5 judicial review as provided by law.

6
7 (h) Upon receipt from the department of family
8 services of a certified copy of an order from a court to
9 withhold, suspend or otherwise restrict a license issued by
10 the board, the board shall notify the party named in the
11 court order of the withholding, suspension or restriction
12 of the license in accordance with the terms of the court
13 order. No appeal under the Wyoming Administrative Procedure
14 Act shall be allowed for a license withheld, suspended or
15 restricted under this subsection.

16
17 **33-29-168. Confidentiality of records.**

18
19 The following board records and papers are of a
20 confidential nature and shall not be deemed public records:
21 examination material for examinations not yet given, file
22 records of examination questions and solutions, exam
23 scores, letters of inquiry and reference concerning

1 applicants, transcripts of college courses and grades,
2 electronic mail addresses, board inquiry forms concerning
3 applicants, pending and closed complaints and investigative
4 files until a formal hearing may commence or until final
5 disciplinary action is taken, complaints and investigative
6 files for cases dismissed without disciplinary action,
7 other materials of similar confidential nature, and
8 information otherwise protected by law.

9

10 **33-29-169. Practice by business entities.**

11

12 (a) A firm that practices or offers to practice
13 engineering or land surveying shall be required to obtain a
14 certificate of authorization by the board in accordance
15 with its rules.

16

17 (b) An engineering or land surveying firm desiring a
18 certificate of authorization shall file with the board a
19 complete application using a form provided by the board. A
20 form provided by the board shall be filed with the board
21 upon renewal or within thirty (30) days of the time any
22 information contained on the application form is changed or
23 differs for any reason. If in the judgment of the board

1 the application meets the requirements of this act, the
2 board shall issue a certificate of authorization for the
3 firm to practice engineering or land surveying.

4
5 (c) A certificate of authorization shall not be
6 required for a firm performing engineering or land
7 surveying for the firm itself or a parent or subsidiary of
8 the firm.

9
10 (d) No firm shall be relieved of responsibility for
11 the conduct or acts of its agents, employees, officers,
12 partners, members or managers by reason of its compliance
13 with the provisions of this section. No individual
14 practicing engineering or land surveying under the
15 provisions of this act shall be relieved of responsibility
16 for engineering or land surveying services performed by
17 reason of employment or other relationship with a firm
18 holding a certificate of authorization.

19
20 **33-29-170. Public works.**

21
22 No state, county or local government agency or authority,
23 or officials or employees thereof, shall engage in the

1 practice of engineering or land surveying involving either
2 public or private property without the project being under
3 the direct charge and supervision of a professional
4 engineer for an engineering project or a professional land
5 surveyor for a land surveying project.

6
7 **33-29-171. Exemptions and limitations.**

8
9 (a) Nothing in this act shall be construed to prevent
10 the practice by:

11
12 (i) An officer or employee of the United States
13 practicing within the scope of his authority and employment
14 except when filing water rights or water right petitions
15 with the state of Wyoming as provided in title 41 of the
16 Wyoming statutes;

17
18 (ii) Any other legally recognized profession;

19
20 (iii) An employee of a licensee or of a person
21 exempt from licensure, if the employment does not involve
22 direct responsibility for design, inspection or
23 supervision;

1

2 (iv) Any full-time employee of any business
3 entity while doing work for that entity, provided that any
4 map, plat, plan or design filed in any office of public
5 record in this state shall be certified by a licensed
6 professional engineer or professional land surveyor as
7 provided by W.S. 33-29-173. This exemption shall not apply
8 to any business entity offering its services to the public
9 as professional engineers or professional land surveyors or
10 to any business entity engaged in designing and supervising
11 the building of works for public or private interests not
12 their own;

13

14 (v) An employee or a subordinate of a person
15 holding a certificate of licensure under this act, or an
16 employee of a person practicing lawfully under paragraph
17 (ii) of this subsection, provided the work does not include
18 final engineering or land surveying designs or decisions
19 and is done under the direct supervision of and verified by
20 a person holding a certificate of licensure under this act
21 or a person practicing lawfully under paragraph (ii) of
22 this subsection.

23

1 **33-29-172. Violations; penalty.**

2

3 (a) No person shall engage in the practice of
4 professional engineering or professional land surveying as
5 defined in this act without a valid current license except
6 as otherwise permitted pursuant to W.S. 33-29-171.

7

8 (b) Violation of any provision of this act shall
9 constitute a misdemeanor and upon conviction, the person
10 shall be subject to a fine of not more than one thousand
11 dollars (\$1,000.00), imprisonment for not more than one (1)
12 year, or both.

13

14 (c) The district attorney of the county in which the
15 misdemeanor is committed shall prosecute the case upon
16 proper information of the board or any other interested
17 party.

18

19 **33-29-173. Maps, plats, plans or designs for filing**
20 **to be certified by professional engineer or surveyor;**
21 **exception; size of maps.**

22

1 (a) All maps, plats, plans or designs filed in the
2 state engineer's office, the office of state lands and
3 investments, all county clerks offices, all city or town
4 offices, or any other office of public record in the state
5 of Wyoming, shall be certified by a professional engineer
6 or land surveyor licensed under this act as defined in W.S.
7 33-29-150(a)(ix) and (x). Hardcopy originals shall either
8 be drawn in waterproof black ink or acetate ink, or be an
9 acceptable photographic or other kind of reproduction on
10 good quality polyester base drafting film in a minimum
11 thickness of four-thousandths (.004) inch, or as otherwise
12 required by the receiving entity. Maps may be submitted in
13 electronic form pursuant to the Uniform Electronic
14 Transactions Act, W.S. 40-21-101 through 40-21-119. All
15 nonelectronic maps, plats, plans or designs shall conform
16 to one (1) of the following sizes and shall consist of one
17 (1) original drawing together with one (1) print:

18

19 (i) Size A - Eight and one-half (8 1/2) inches
20 wide and eleven (11) inches long;

21

22 (ii) Size AA - Eight and one-half (8 1/2) inches
23 wide and fourteen (14) inches long;

1

2 (iii) Size AAA - Eleven (11) inches wide and
3 seventeen (17) inches long;

4

5 (iv) Size B - Fifteen (15) inches long and ten
6 and three-fourths ($10 \frac{3}{4}$) inches wide. There shall be a
7 minimum of one and one-half ($1 \frac{1}{2}$) inches margin on the
8 left side of the short dimension for a binding edge; the
9 remaining three (3) margins shall be one-fourth ($\frac{1}{4}$) inch
10 each;

11

12 (v) Size C - Thirty-six (36) inches long and
13 twenty-two (22) inches wide. There shall be a minimum of
14 one and one-half ($1 \frac{1}{2}$) inches margin on the left side of
15 the short dimension for a binding edge; the remaining three
16 (3) margins shall be one-half ($\frac{1}{2}$) inch each;

17

18 (vi) Size D - Twenty-one and one-half ($21 \frac{1}{2}$)
19 inches long and fifteen (15) inches wide. There shall be a
20 minimum of one and one-half ($1 \frac{1}{2}$) inches margin on the
21 left side of the long dimension to serve as a binding edge;
22 the three (3) remaining margins shall be three-eighths
23 ($\frac{3}{8}$) of an inch each;

1

2 (vii) Size E - Thirty (30) inches long and
3 twenty-one and one-half (21 1/2) inches wide. There shall
4 be a minimum of one and one-half (1 1/2) inches margin on
5 the left side of the short dimension to serve as a binding
6 edge; the remaining margins shall be one-half (1/2) inch
7 each;

8

9 (viii) Size F - Forty (40) inches long and
10 thirty-five (35) inches wide. There shall be margins of
11 three-fourths (3/4) of an inch on all edges;

12

13 (ix) Size G - Twenty-four (24) inches by thirty-
14 six (36) inches. There shall be a minimum of one and one-
15 half (1 1/2) inches margin on the left side of the short
16 dimension to serve as a binding edge; the three (3)
17 remaining margins shall be one-half (1/2) inch each;

18

19 (x) Size H - Eighteen (18) inches by twenty-four
20 (24) inches. There shall be a minimum of one and one-half
21 (1 1/2) inches margin on the left side of the long
22 dimension to serve as a binding edge; the three (3)

1 remaining margins shall be three-eighths (3/8) of an inch
2 each.

3

4 (b) The requirement for certification of maps and
5 plans by a licensed engineer or land surveyor shall not
6 apply in the case of applications filed in the state
7 engineer's office to construct:

8

9 (i) Small reservoirs for stock purposes with a
10 capacity up to twenty (20) acre feet or a dam height of
11 twenty (20) feet or less;

12

13 (ii) Special application reservoirs for fish
14 propagation, wetlands, recreation, aesthetics, domestic, or
15 wildlife purposes with a capacity up to twenty (20) acre
16 feet or a dam height of twenty (20) feet or less;

17

18 (iii) Flood detention reservoirs with a capacity
19 up to fifty (50) acre feet or a dam height of twenty (20)
20 feet or less provided the reservoir has a minimum outlet of
21 eighteen (18) inches diameter and the dead storage does not
22 exceed twenty (20) acre feet;

23

1 (iv) Diversions from a stream for stock or
2 domestic purposes with flow rates up to twenty-five (25)
3 gallons per minute;

4

5 (v) Diversions from springs for stock or domestic
6 purposes that divert twenty-five (25) gallons per minute or
7 less that do not fall under groundwater filing procedures.

8

9 **Section 2.** W.S. 9-1-901, 9-2-1028(a)(v)(B),
10 9-2-1032(d), 15-1-202(a)(i), 15-1-415(b)(ii), 15-1-418(b),
11 18-3-402(a)(xxiv), 18-3-704(a)(i) and (iv), 24-1-132(d),
12 24-2-110(f)(i), 30-5-108, 33-4-117(b)(iii),
13 33-29-141(a)(viii) and (ix), 33-29-147, 33-41-117(a)(iv),
14 33-41-121, 35-11-304(a)(iv), 41-3-114(d), 41-3-308(a) and
15 41-3-309(a) are amended to read:

16

17 **9-1-901. Qualifications.**

18

19 The state engineer shall have theoretical knowledge and
20 practical and managerial skill and experience which fits
21 him for the position and shall have at least two (2) years
22 of engineering practice and experience in the state and
23 shall be a ~~registered~~-licensed professional engineer.

1

2 **9-2-1028. Definitions.**

3

4 (a) As used in this act:

5

6 (v) "Professional services" means:

7

8 (B) The practice of engineering or land
9 surveying pursuant to W.S. ~~33-29-114 through 33-29-149~~
10 **33-29-150 through 33-29-173.**

11

12 **9-2-1032. Contract procedure.**

13

14 (d) Each contract for professional services entered
15 into by the principal representative shall contain a
16 prohibition against gratuities, kickbacks and contingent
17 fees. The architect, ~~registered~~**licensed** land surveyor or
18 professional engineer shall certify under oath that he has
19 not in any way been involved in any gratuities, kickbacks,
20 or contingent fees in connection with his selection or
21 ultimate performance of this contract.

22

1 15-1-202. Survey, map and census; contents;
2 affidavits.

3

4 (a) Any person intending to apply for the
5 incorporation of a town shall:

6

7 (i) Have prepared an accurate survey and map of
8 the territory intended to be embraced within its limits,
9 which shall be made by a land surveyor ~~registered~~-licensed
10 under the laws of Wyoming and shall show the courses and
11 distances of the boundaries of the territory, the quantity
12 of land embraced and be accompanied by the affidavit of the
13 surveyor. In preparing an accurate survey and map of the
14 territory intended to be embraced within the town limits, a
15 land surveyor ~~registered~~-licensed under the laws of Wyoming
16 may reference or adopt courses and distances of the
17 boundaries of the territory from subdivision plats made by
18 a land surveyor ~~registered~~-licensed under the laws of
19 Wyoming, platted in accordance with the provisions of W.S.
20 34-12-101 through 34-12-104;

21

1 **15-1-415. Additions to cities or towns by subdividing**
2 **landowners; plat requirements; filing and effect thereof;**
3 **controlling layout of streets.**

4
5 (b) The plat shall:

6
7 (ii) Have appended a survey made by a land
8 surveyor ~~registered~~~~licensed~~ under the laws of this state
9 with a certificate that he has accurately surveyed the
10 addition, and that the parts thereof are accurately staked
11 off and marked with an appropriate metal monument including
12 magnetic iron, inscribed at least with the ~~registration~~
13 ~~license~~ number of the land surveyor to provide source
14 identification, at all lot corners and survey control
15 points of the addition.

16
17 **15-1-418. Annexing contiguous cities or towns;**
18 **annexation ordinance; filing.**

19
20 (b) A certified copy of the annexation ordinance
21 including a legal description of the area and the map
22 prepared pursuant to W.S. 15-1-402(c)(i) and in accordance
23 with W.S. ~~33-29-139~~~~33-29-173~~ shall be filed with the

1 county clerk of the county in which the action has taken
2 place.

3

4 **18-3-402. Duties generally.**

5

6 (a) The county clerk shall:

7

8 (xxiv) File maps as defined in W.S. ~~33-29-139~~
9 ~~33-29-173~~. The county clerk shall charge a fee of twenty-
10 five dollars (\$25.00) for filing the maps.

11

12 **18-3-704. Establishment of lost corners.**

13

14 (a) Whenever the location of any monument which marks
15 the corner of any tract or tracts of land is in dispute
16 between the owners of the adjoining lands, the monument
17 shall be established as follows:

18

19 (i) The county surveyor of the county in which
20 the corner is located or any ~~registered~~-licensed land
21 surveyor employed by one of the landowners shall
22 immediately give notice in writing to all parties
23 interested in the establishment of the corner, giving at

1 least thirty (30) days notice and naming a day when he will
2 make the necessary surveys to establish or restore the
3 corner. If written notice cannot be made upon the owners or
4 their agents because of nonresidence, then the notice shall
5 be published once each week for four (4) consecutive weeks
6 in a newspaper published in the county, or if there is no
7 newspaper published in the county then in a newspaper of
8 general circulation published nearest such county;

9

10 (iv) Any ~~registered~~~~—~~licensed land surveyor
11 rendering service under this section is entitled to fees
12 and other incident expense to be collected equally from all
13 interested parties.

14

15 **24-1-132. Contracts for county bridge work; bids;**
16 **exception.**

17

18 (d) All bridges to be constructed shall be designed
19 by a professional engineer who holds a valid ~~certificate of~~
20 ~~registration~~~~—~~license granted by the ~~state~~~~—~~Wyoming board ~~of~~
21 ~~examining~~~~—~~for professional engineers ~~of the state of~~
22 ~~Wyoming~~~~—~~and professional land surveyors. Plans and

1 specifications shall be prepared in accordance with the
2 provisions of W.S. 24-2-106.

3

4 **24-2-110. Cooperation with counties in construction**
5 **of county roads; allocation of costs; state-county road**
6 **construction account established.**

7

8 (f) There is created a Wyoming county road standards
9 committee appointed by the governor consisting of:

10

11 (i) Three (3) members nominated by the Wyoming
12 county commissioners association, one (1) of whom shall be
13 a ~~registered~~-licensed professional engineer;

14

15 **30-5-108. State oil and gas supervisor; appointment;**
16 **duties; authority of commission to appoint other employees;**
17 **payment of traveling and living expenses.**

18

19 To enable the commission to carry out its duties and powers
20 under the laws of this state with respect to conservation
21 of oil and gas, and to enforce the rules and regulations so
22 prescribed, the commission shall appoint one (1) chief
23 administrator who shall be a qualified and ~~registered~~

1 **licensed** professional petroleum engineer or petroleum
2 geologist who shall be designated and known as the "State
3 Oil and Gas Supervisor." Such supervisor shall hold office
4 at the pleasure of the commission and shall receive a
5 salary, to be fixed by the commission. The state oil and
6 gas supervisor shall be charged with such duties as are
7 delegated by the commission, and in addition thereto he
8 shall investigate charges and complaints of violation of
9 the laws of this state with respect to conservation of oil
10 and gas, and any order, rules and regulation of the
11 commission made in connection therewith, and report
12 concerning all such violations to the commission. The
13 commission may at any time, when it finds that the public
14 interest will be served thereby appoint such other
15 employees as are found to be necessary, to assist the
16 commission and the state oil and gas supervisor in the
17 discharge of their respective duties. All employees or
18 assistants authorized by this act shall be paid their
19 necessary traveling and living expenses when traveling on
20 official business, at such rates and within such limits as
21 may be fixed by the commission, subject to existing law.

22

23 **33-4-117. Exemptions.**

1

2 (b) Nothing in this act shall be construed:

3

4 (iii) To prevent the independent employment of a
5 ~~registered~~ licensed professional engineer for any
6 professional service related solely to civil, structural,
7 mechanical or electrical engineering in connection with any
8 building or building project.

9

10 **33-29-141. Definitions.**

11

12 (a) Except where the context indicates a different
13 meaning, terms used in W.S. 33-29-140 through 33-29-149
14 shall be defined as follows:

15

16 (viii) A " ~~registered~~ licensed land surveyor" is
17 a surveyor who is ~~registered~~ licensed to practice land
18 surveying under W.S. ~~33-29-114 through 33-29-139~~ 33-29-150
19 through 33-29-173, and has a current ~~certificate~~ license
20 for that calendar year;

21

1 (ix) The "board" is the ~~state~~Wyoming board ~~of~~
2 ~~registration~~for professional engineers and professional
3 land surveyors.

4
5 **33-29-147. Signature on corner record required.**

6
7 No corner record shall be filed unless the same is signed
8 by a ~~registered~~licensed land surveyor, or, in the case of
9 an agency of the United States government or the state of
10 Wyoming, the certificate may be signed by the survey party
11 chief making the survey.

12
13 **33-41-117. Exemptions.**

14
15 (a) The following are exempt from the licensing
16 provisions of this act if they do not use the title of
17 professional geologist or are not directly represented or
18 held out to the public to be legally qualified to engage in
19 the practice of geology before the public:

20
21 (iv) Qualified engineers and land surveyors,
22 ~~registered~~licensed by the Wyoming board ~~of registration~~
23 for professional engineers and professional land surveyors

1 pursuant to W.S. ~~33-29-114 through 33-29-139~~ 33-29-150
2 through 33-29-173 are exempt from the ~~registration~~
3 licensure provisions of this act, providing, that no name,
4 title, or words are used which tend to convey the
5 impression that a ~~nonregistered~~ nonlicensed individual is
6 offering to perform services as a professional geologist;

7

8 **33-41-121. Applicability.**

9

10 This act shall not be construed as repealing or amending
11 any law affecting or regulating licensed professional
12 engineers and professional land surveyors pursuant to the
13 provisions of W.S. ~~33-29-114 through 33-29-139~~ 33-29-150
14 through 33-29-173, nor shall this act be construed to
15 affect or prevent the practice of any other legally
16 recognized profession by the members of the profession
17 licensed by the state or under its authority.

18

19 **35-11-304. Administrator required to delegate certain**
20 **management functions to local governmental entities.**

21

22 (a) To the extent requested by a municipality, water
23 and sewer district or county, the administrator of the

1 water quality division, with the approval of the director,
2 shall delegate to municipalities, water and sewer districts
3 or counties which apply the authority to enforce and
4 administer within their boundaries the provisions of W.S.
5 35-11-301(a)(iii) and (v), including the authority to
6 develop necessary rules, regulations, standards and permit
7 systems and to review and approve construction plans,
8 conduct inspections and issue permits. Any authority
9 delegated under this section shall be subject to the
10 following conditions:

11

12 (iv) The local governmental entity shall
13 demonstrate to the administrator that all facilities will
14 be approved by a ~~registered~~-licensed professional engineer
15 or city or county sanitarian for small wastewater
16 facilities or other qualified individual approved by the
17 water quality division administrator, and that it employs a
18 properly certified waste treatment plant operator
19 responsible for operation and maintenance of the treatment
20 works in a manner at least as stringent as the department
21 of environmental quality would require;

22

1 **41-3-114. Petition to change point of diversion or**
2 **means of conveyance.**

3
4 (d) Such petitions shall be accompanied by ~~maps~~~~a map~~
5 in ~~duplicate, one (1) of which shall be on tracing linen of~~
6 ~~a size~~~~a format~~ required by the state engineer and state
7 board of control, prepared under certificate of a
8 ~~registered~~~~licensed~~ land surveyor in conformance with W.S.
9 ~~33-29-173~~, and showing accurately the location of the
10 stream, the location of the ditch or ditches involved,
11 location of any intervening diversions, and if for
12 irrigation, the location of the lands changed or affected
13 by such change.

14
15 **41-3-308. Alterations or repairs of dams or diversion**
16 **systems; plans and specifications; duties of state**
17 **engineer.**

18
19 (a) Plans and specifications of any proposed
20 construction, enlargement, major repair, alteration or
21 removal of a dam or diversion system shall be prepared by
22 or under the direction of a ~~registered~~ professional
23 engineer licensed to practice in the state of Wyoming and

1 experienced in dam design and construction, and shall be
2 submitted to the state engineer for approval. It is
3 unlawful to commence construction, enlargement, major
4 repair, alteration or removal until the plans and
5 specifications have been approved by the state engineer. At
6 the request of the state engineer, the professional
7 engineer responsible for the plans and specifications shall
8 carry out any revisions of the plans and specifications or
9 provide such additional information as is necessary to
10 justify or clarify the design.

11

12 **41-3-309. Alterations or repairs of dams or diversion**
13 **systems; inspections performed and reports submitted to**
14 **state engineer by professional engineer.**

15

16 (a) A ~~registered~~ professional engineer licensed to
17 practice in the state of Wyoming shall be in charge of and
18 responsible for the construction, enlargement, major
19 repair, alteration or removal of any dam or diversion
20 system.

21

22 **Section 3.** W.S. 33-29-114 through 33-29-139 are
23 repealed.

1

2 **Section 4.** Licensure under the provisions of W.S.
3 33-29-114 through 33-29-139 prior to July 1, 2009 shall be
4 considered as years of experience for the purposes of this
5 act.

6

7 **Section 5.** This act is effective July 1, 2009.

8

9 (END)

10